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SHERIFF'S DEPARTMENT

DATE: Septen

September 15, 2000

OFFICE CORRESPONDENCE

FILE:

FROM:

RICHARD L. CASTRO, COMMANDER PERSONNEL AND TRAINING DIVISION TO: SAMMY L JONES, CAPTAIN

LENNOX STATION

SUBJECT:

EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS

USE OF FORCE, SEPTEMBER 12, 1999, IAB REVIEW #1267291

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force/hit shooting incident which occurred on September 12, 1999.

The committee met on September 14, 2000 and consisted of myself and Commanders David Betkey (Commander of the Department) and Michael Kenyon (Commander of the Department). The committee determined that the force used by Deputies Kenneth Fontanilla and Robert Chism was within Department policy. Please advise the deputies of this finding.

RLC:KRK:kk

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Exhibits:

Exhibit A: Photographs depicting the location where Deputies first contacted the "South Los" gang members.

Exhibit B: Photograph depicting the area, on the east sidewalk, where Subject fell. Photograph depicting the location the weapon was discovered. Photographs depicting the .45 Revolver used by the subject.

Exhibit C: Photographs depicting the damage to by one of the rounds fired by deputies.

Exhibit D: Photographs depicting the location of expended shell casings, on the sidewalk.

Exhibit E: Copy of Homicide Bureau's investigative reports.

Miscellaneous Documents

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

SHOOTING INCIDENT EVALUATION

UNIT:

Lennox Sheriff's Station

DATE:

September 12, 1999

TIME:

2246 Hours

LOCATION:

South New Hampshire Avenue, Athens

URN#:

099-10574-0375-055

IAB#:

SH-1267291

NATURE OF

INCIDENT:

Deputies Fontanilla and Chism, working 31E, contacted three males, dressed in gang attire, walking south on the 11100 block of New Hampshire Avenue. Deputy Fontanilla asked the three pedestrians to step over to the patrol car.

M/H-23 and M/H-23 complied, but Subject M/H-17 tried to hide from view behind the other two and continued walking southbound, while retrieving a .45

caliber revolver from his waistband. When Subject attempted to point his weapon toward Deputy Fontanilla, Fontanilla fired two rounds from his service weapon at the suspect. The suspect turned and began running northbound on the sidewalk. Deputy Chism ordered the suspect to stop and Subject pointed his weapon at Deputy Chism.

Deputies Chism and Fontanilla each fired one round from their service weapons causing to fall to the ground.

Subject was transported to Martin Luther King
Hospital where he was treated for a single gunshot wound to

his right buttocks.

COMPLETED BY: William Borngrebe, Sergeant

Internal Affairs Bureau

DATE:

April 26, 2000

SHOOTING REVIEW SUMMARY LENNOX SHERIFF'S STATION SEPTEMBER 12, 1999 DEPUTIES KENNETH FONTANILLA AND ROBERT CHISM

The summary of this shooting incident is based on the Complaint and Supplemental Reports, Homicide investigation, photographs, statements of the involved deputies and statements of the witnesses.

On September 12, 1999 at 2330 hours, Lieutenant Karyn Mannis and Sergeants William Borngrebe and Kathi Pattullo were called from their respective residences to respond to South New Hampshire Avenue, in Los Angeles County, to review an Officer Involved Shooting.

in the process. The subject's revolver landed on the parkway about twelve feet north of him. Deputy Chism kept the subject covered, while taking a position of safety behind a van parked on the street. Deputy Fontanilla ordered the other two pedestrians to lay on the ground and both deputies maintained control until backup units arrived.

IABNOTE: TO REVIEW PHOTOGRAPHS OF THE LOCATION THE SUBJECT FELL, THE SPOT WHERE THE REVOLVER LANDED, AND CLOSE-UPS OF THE REVOLVER, PLEASE REFER TO EXHIBIT B.

Subject was subsequently transported to Martin Luther King Hospital, where he was treated for a gunshot wound to the right buttocks.

A check of the area after the shooting revealed that one round, most likely fired by Deputy Fontanilla, went through the front door of This residence is located at the end of New Hampshire, the street from the terminus of the sidewalk. The round penetrated the security screen, front door, a living room couch, a VCR lying on the couch, and entered the north living room wall. No one was injured at this residence and Civil Litigation Unit settled the cost of damages with the resident, in the amount of \$825.00; refer to Docket

IAB NOTE: TO REVIEW PHOTOGRAPHS DEPICTING THE DAMAGE TO THE ABOVE RESIDENCE, PLEASE REFER TO EXHIBIT C.

On April 3, 2000 Subject pled guilty to 417 PC (Drawing, exhibiting a deadly weapon in a rude or threatening manner) in Juvenile Court and was sentenced to Juvenile Camp.

Deputy Kenneth Fontanilla said that while on routine patrol, he and Deputy Chism turned off their headlights and turned onto northbound New Hampshire from westbound 112th Street. He said that Deputy Chism was driving and he was the bookman. He said he knew this portion of New Hampshire was a known hangout for the "South Los Gang." He said that as they proceeded up the street he observed three males walking southbound on the east sidewalk whom he knew from past contacts to be "South Los" gang members. He said that he told Deputy Chism to slow down, that he wanted to talk with the pedestrians. He said he illuminated the trio with his flashlight, ordered them to show their hands and come toward him. He said he drew his weapon because he knew that "South Los" had been feuding with "107 Hoovers" and they often carried weapons. He said that immediately the two walking together, in front of the third person, raised their arms above their heads and slowed down. He said the third person, Subject crouched down and reached for his waistband, using both hands. He said Chism stopped the car and he exited to contact the trio. He said Subject quickened his pace and tried to pass the other two gang members on the east side, while continuing southbound on the sidewalk. Deputy Fontanilla said he ordered the subject to stop and moved to the sidewalk to block his path. He said the subject began to turn away from him while simultaneously retrieving a revolver from his waistband area. He said that as the subject began to point the weapon toward him, with his arm extended and parallel to the ground, he fired

two rounds from his service weapon at the said he observed weapon still pointed toward him so he fired one more round at him. He said the subject then turned and began running northbound. He said that by this time the other two pedestrians, and had walked to the street, near the radio car, with their hands still raised. Deputy Fontanilla said he saw his partner in the street yelling at the said the subject kept running and extended his right arm across the front of his body, as if pointing his revolver at Deputy Chism. He said Deputy Chism fired one to two shots at Subject He said he saw the subject fall down face forward on the sidewalk. He said that as the subject fell, he observed the subject toss the handgun north of him about six to ten feet. He said that he then ordered the other two pedestrians down to the ground and they complied. He said that he and Chism held everyone in that position until back-up units arrived.

IAB NOTE: TO REVIEW PHOTOGRAPHS DEPICTING THE LOCATION OF THE EXPENDED SHELL CASINGS, PLEASE REFER TO EXHIBIT D.

Deputy Chism said that on the morning of this incident he was working 31E with his partner and Deputy Fontanilla. He said he and his partner drove to this location purposely. He said they both knew the area to be a high crime area, frequented by gang members. He said they drove onto New Hampshire with their headlights out. He said that he looked down the street and saw a group of people standing on the street near 111th Street. He said Fontanilla told him to stop and before he could get the car to a complete stop, Fontanilla was out of the car. He said he looked toward the sidewalk and he saw two gang members, in white T-shirts, walking side by side and a third individual, dressed in black, walking behind them. He said he had not seen them earlier because they had just walked out from under the shade of a large tree. He said Fontanilla called to them, to come over to him. He said the two gang members, walking side by side, proceeded toward the radio car, with their hands up. He said the subject dressed in black crouched down and began walking southbound on the sidewalk. Deputy Chism said he continued and noticed he was reaching into his waistband, as if trying to keep something to watch Subject from falling out, or to retrieve a weapon. He said he heard his partner say something like, "drop the gun." He said his attention was divided between the subject, the two pedestrians walking toward the radio car, and the crowd at the end of the block, who were now looking toward them. He said he took a couple steps toward the rear of the radio car to get a better view of his partner and the other two pedestrians. He said Fontanilla was yelling at Subject but he could not recall what he was saying. He said he heard his partner fire two rounds from his service weapon. He said turned and started running northbound on the sidewalk and he started running northbound on the street paralleling him, while yelling o stop and lay down. He said he saw Subject look in his direction and point the barrel of a gun at him with his right hand as he ran. He said that at that moment, he and about fifteen feet apart. He said that fearing for his life, and his partner's life, he fired one round at He said his partner also fired but he could not remember if it was just before he fired his weapon or just after he fired his weapon, but that Fontanilla shot at the subject a third time. He said Subject grabbed his abdomen area and fell face first on the sidewalk. He said he could hear yelling that he was shot. He said he took a position of cover by a van that was parked at the curb and to put his hands out to his side, where they could be seen. He said he kept the subject ordered

covered, and he illuminated with his flashlight until back-up arrived. He said Fontanilla took control of the other two gang members and proned them out on the street. LAB NOTE: THE BULLET THAT STRUCK SUBJECT WAS RECOVERED AND SENT TO THE CRIME LAB BUT IT HAD NO COMPARATIVE VALUE, SO IT IS UNKNOWN WHICH DEPUTY SHOT HIM. said that he and his Witness whom he knows as " had been visiting some girls in the neighborhood and had consumed approximately one 40 ounce bottle of "Old English" each. He said that the two of them were walking down the street (New Hampshire) followed by a third person that he did not know, to obtain more beer. He said that the sheriff's pulled up to them, illuminated them with a flashlight, and told them to "Freeze." He said that both deputies exited the patrol car, and he stopped and put his hands up over his head. He said he heard someone say "Get him, get him" and then he heard two or three gunshots. He said he did not see which deputy fired his weapon because he was looking toward the patrol car when the shots were fired. He said that after the shots were fired he was ordered to lay down on the ground and he complied. He said that he did not know why the deputies shot Witness said that his memory was not clear because he was "buzzed" at the time the shooting occurred. said that he goes by the name " and he is a member of the street gang known as "South Los." He said that he and his were going to walk down to a liquor store on Imperial and get some more beer. He said that when they started out, "Subject asked to go along with them. He said that they had been drinking all day and that he was "buzzed" at the time. He said that the three of them were walking southbound on New Hampshire when they saw the police car. He said they knew they were going to be stopped because "that's the routine." He said that he knew the sheriffs were going to check them but he didn't care because he didn't think they had any illegal property. He said that he and " 'were not aware that ' had a gun. He said that when the sheriff's car stopped by them, he and " both put their hands up, saying, "We always do." said one of the deputies asked them to come over to the radio car and they complied. He said that the deputies were just doing their job and they were not being disrespectful. He said that Deputy Fontanilla was the first deputy to get out of the car. He said that Fontanilla started walking toward them, as if to check them, and then suddenly said, "get him, get him" and started running by them. He said that he did not look to his rear but he could hear the sounds of someone running and he heard several

He said that after the incident was over and other deputies arrived, he learned that "had a big "Dirty Harry type gun" and that's why he ran. He said that he didn't know "was carrying a weapon, but

gunshots. He said that he and "

else because he was facing the ground.

both dropped to the ground. He said that he didn't see anything

that it would not be uncommon because "South Los" is feuding with another gang in the area.

| IAB NOTE: SUBJECT WAS NOT INTERVIEWED BECAUSE HE INVOKED WHEN HOMICIDE DETECTIVES WENT TO INTERVIEW HIM AT THE HOSPITAL |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Witness said that she and several other people were out in front of her house, located a seeing some friends off when the incident occurred. She said that the three "South Los" gang members, two of whom she knew as and walked past them heading southbound on the sidewalk toward 112th Street. She said that she saw a police car pull up by them and someone ordered them to stop. She said that the gang members didn't stop, instead they ran and the officers shot at them. She said that she heard a total of three shots. She said that she ran into the street and saw one "kid" fall onto the sidewalk. She said that the other two then put themselves onto the ground She said that she saw the deputies run up to the gang member that got shot and hit and kick him severatimes. |
| Witness said that she is currently on a methadone program to kick her heroin habit. |
| Witness said that she was outside her home when she heard three shots. She said that she saw four deputies get out of the police car and they ran up to the three gang members and began hitting and kicking the one that was laying on the sidewalk. |
| IAB NOTE: THERE IS NO INDICATION FROM WITNESSES MUCH CLOSER TO THIS INCIDENT THAT SUBJECT WAS HIT OR KICKED BY DEPUTIES. WITNESSES AND WERE MORE THAN HOUSES AWAY FROM THE INCIDENT AND THEIR VIEW WOULD HAVE BEEN DIMINISHED BY THE LACK OF LIGHTING AS A RESULT OF A LARGE TREE, VISIBLE IN EXHIBIT A BLOCKING ILLUMINATION OF THE SIDEWALK AREA. ADDITIONALLY, ALTHOUGH SUBJECT REFUSED TO TALK TO HOMICIDE INVESTIGATORS, HE DID TALK TO HIS AND THEY MADE NO MENTION OF DEPUTIES HITTING OR KICKING THEIR |

Los Angeles County Sheriff's Department Officer Involved Shooting

Page 1 of 4

| Report Date: | 9-13-99 | Bureau/Station/Facility. | Lei | nnox Stati | ion | Admin. In | vest? | Hit? |
|-----------------------------------|-------------------|--------------------------|---------------------------------|------------|-----------------------------|---------------|------------------|-------------------------------------|
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| URN: | 099-10574-03 | 75_055 | Date: | | 2-99 | 1 | ime: | 2256 |
| City or Station: | | | Nature of Incides | | | aka santa | od suddle 2 . | gang member |
| | Lennox | | walking S/B | on S. Nev | ss stop to it w Hamnehir | e Two su | ispects co | jang member |
| Athens, CA | New Hampsh | ire Avenue, | orders and v | valk towar | rd radio car. | Third sus | sp. turns a | and draws a 4 |
| Location Type | Lighting | (circle only one): | Incident Type (ci | | | _ | d by (circle o | |
| (circle one or more): Backyard | Darkner | | Accidental | | | Arre | st Warrant | ,, |
| Beach | Daylight Other | | Armed Person | | | Call | | |
| Business | | | Fleeing Suspe | cl | | | Person Unit | |
| Freeway | Street L | ignits) | Foot Pursuit | | | | | |
| Industrial | | | Gun Take Awa | | | Oth | | |
| Park | Weather | (circle only one): | Moving Vehicle | | | | irch Warrant | |
| Parking Lot | Clear | | Sniper/Ambusi | h | | TWC | Person Unit | |
| Residence | Cloudy | | Startle | | | | | |
| Rural | Fog | | Struggle Involv | red | | | Activity (circle | only one): |
| Schoo! | Rain | | Traffic Stop | | | Dete | | |
| Streed | | | Unarmed Pers | on | | | te Transport | |
| Other: | Distance | | Unintentional | | | Othe | | |
| | Distance | 20 ft. | Vehicle Pursuit Warrent Service | | | Routi | ne Patrol | |
| Total # of Shots Fired by | Deputy Total # of | Shots Fired by Suspect | - Wallell Gerric | -0 | | | | |
| 4 | | | Other | | | Aero l | Jnit? | Canine Unit? |
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Officer Involved Shooting

URN: 099-10574-0375-055

2 of 4 Page Rollout Information Arrival Date Arrival Time Date of Recommendation 09-13-99 0100 04-25-00 First NameKaryn Employee # Last Name Mannis M.I Last Name First Employee # M.I Nama William Borngrebe F. Employee # Last Name First Nam Kathi M.I

| Shooting / Force Information | |
|------------------------------|--|
| oncoming / Force information | |

| Meth | nod | | | | | Tyr | e of injui | 74 | | Rock | Pa | rt Injured | |
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| Bran (AK) (BN) (BW) (CH) (CO) (CO) (GL) (HA) (HK) (IT) | AK-47 Benelli Beretta Browning Charter Arms Colt Davis Industries Glock Harrington & Richardson HI Standard H & K Ithica | (IV) (JE) (LU) (MA) (MO) (NC) (NA) (NA) (RA) (RM) (RG) | Iver Johnson Jennings Lorcin Luger Marlin Mossberg NCI aka SKS North Americ Norinco Raven Remington RG | (RÓ) (SW) (SR) (ST) (TA) (WE) | RGI Rossi Smith & Wesson Sturm Ruger Sterling Taurus Weatherby Winchester US Government Handmade (Inmate) Homemade (Non-Inmate) Other Brand | (12) (20) (21) (22) | 9 mm 10 mm 12 guage 20 guage 22-250 22 caliber | (24) (25) (30) (35) (38) (38) | .243 cal .25 calib .308 cali .357 cali 30-60 ca .38 calib | er (iber (ib | 41) 44) 45) 50) SL) WW) | | |
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Other caliber

FORCE APPLIED (one code per block)

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| | | SW | 45 | | | NN | |
| | | | | | | | |
| | | | | | | | |

Officer Involved Shooting Involved Employee Information

URN: 099-10574-0375-055

Page 3 of 4 Involved Employee Last Name Employee First Name MI E 1 Fontanilla Kenneth R. Race: Rank Unit Assignment: Work Assignment (Unit #, Module, etc.): Dep. Bonus 1 м Lennox Station 31E ShiftTime (circle only one): ShiftType (circle anty one): Substance Used: Intoxication/Drug Usage? PM Regular Overtime Off Duty Hospital Name: Comper Case # Hospital Admission? Coroner Case? Interviewed? Hrs of sleep prior to shooting. Duty Time (hrs): Clothing (circle only one) Other Factors: Plain Clothes no Vest Raid Jackel w/ Vest Height: Weight: Plain Clothes w/ Vest Uniform no Vest 511 210 Raid Jacket no Vest CUniform w/ Vest PPC Qualification Date: Range Qualification Date: Laser Training Date: Certification Unit Number of Prior Shootings: Certified with Weapon Used? Patrol Certification? Prior Shootings? 2 Field Training Officer Emp # Last Name **First Name** M.I. Field Training Officer Emp # Last Name First Name M.I Last Name Employee First Name E 2 Chism Robert C. Unit Assignment: Race: Rank Work Assignment (Unit #, Module, etc.): В M Deputy **Lennox Station** 31E ShiftTime (circle only one): ShiftType (circle only one): Substance Used: Intoxication/Drug Usage? PM Regular Overtime Off Duty (EM) Hospital Name: Coroner Case # Hospital Admission? Coroner Case? Interviewed? Hrs of sleep prior to shooting: Duty Time (hrs): Clothing (circle only one) Other Factors 6 1/2 Plain Clothes no Vest Plain Clothes w/ Vest Uniform no Vest Weight: 603 240 Raid Jacket no Vest Uniform w/ Vest Range Qualification Date: PPC Qualification Date: Laser Training Date: Certification Unit: Number of Prior Shootings: Certified with Weapon Used? Patrol Certification? Prior Shootings? Field Training Officer Emp : Last Name First Nami M.I. Field Training Officer Emp # Last Name First Name MJ. Last Name Employee # First Name M.t. Race Rank Unit Assignment: Work Assignment (Unit #, Module, etc.): ShiftTime (circle only one): ShiftType (circle only one): Substance Used: Intoxication/Drug Usage? PM Regular Overtime Off Duty Hospital Name: Coroner Case # Hospital Admission? Coroner Case? Interviewed? Hrs of sleep prior to shooting: Duty Time (hrs): Other Factors Clothing (circle only one): Plain Ciothes no Vest Raid Jackel w/ Veel Height: Plain Clothes w/ Vest Weight: Uniform no Vest Raid Jacket no Vest Uniform w/ Vest Range Qualification Date: **PPC Qualification Date** Laser Training Date: Certification Unit: Number of Prior Shootings: Certified with Weapon Used? Patrol Certification? Prior Shootings? Field Training Officer Emp # Last Name First Name Field Training Officer Emp # Last Name First Name M.i.

Officer Involved Shooting Suspect Information

URN: 099-10574-0375-055

4 of 4 Page Suspect Information Last Name AKA Last Name First Name M.Ł So. Los gang member Street Addres Race: City н Work Phone: Social Security #: Driver's License Age: 17 D.O.B. Weight: Height: CII# Booking # Primary Charge: Secondary Charge: 664/187 PC 12025 (a) (2) PC Coroner Case # Substance Used Coroner Case? Intoxication/Drug Usage? Armed? Apprehended? Mental Illness? Criminal History? Vehicle Make N/A Last Name First Name M.I. **AKA** Last Name First Name M.L Sex: Race: Street Address: City State & Zip Code: Home Phone: Work Phone: Social Security #: Driver's License #: D.O.B. Weight: CII# Booking # Primary Charge: Secondary Charge: Coroner Case # Substance Used: Coroner Case? Intoxication/Drug Usage? Armed? Apprehended? Mental Illness? Criminal History? Vehicle Make Last Name First Name M.I. **AKA Last Name** First Name MI Street Address Sex. Race: City State & Zip Code Home Phone: Work Phone: Social Security #: Driver's License #: D.O.B. Height: Weight: CII# Booking # Primary Charge: Secondary Charge: Coroner Case # Substance Used: Coroner Case? Intoxication/Drug Usage? Armed? Apprehended? Mental Illness? Criminal History? Vehicle Make Year: Last Name First Name S M.I. AKA Last Name First Name M.L. Sex: Race: Street Address: City State & Zip Code: Home Phone: Work Phone: Social Security #: Driver's License #: D.O.B. Age: Height: Weight: FBI# CII# Booking # Primary Charge: Secondary Charge: Coroner Case # Substance Used: Coroner Case? Intoxication/Drug Usage? Armed? Apprehended? Mental Illness? Criminal History? Vehicle Make Model Year: